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107TH CONGRESS
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S. 1746

[Report No. 107-335]

To amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2001

Mr. REID (for himself, Mrs. CLINTON, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. TORRICELLI, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

NOVEMBER 12, 2002

Reported by Mr. JEFFORDS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Nuclear Security Act
3 of 2001”.

4 **SEC. 2. DEFINITIONS.**

5 Section 11 of the Atomic Energy Act of 1954 (42
6 U.S.C. 2014) is amended—

7 (1) by redesignating subsection jj. as subsection
8 ii.; and

9 (2) by adding at the end the following:

10 “jj. DESIGN BASIS THREAT.—The term ‘design basis
11 threat’ means the design basis threat established by the
12 Commission under section 73.1 of title 10, Code of Fed-
13 eral Regulations (or any successor regulation developed
14 under section 170C).

15 “kk. SENSITIVE NUCLEAR FACILITY.—The term
16 ‘sensitive nuclear facility’ means—

17 “(1) a commercial nuclear power plant and as-
18 sociated spent fuel storage facility;

19 “(2) a decommissioned nuclear power plant and
20 associated spent fuel storage facility;

21 “(3) a category I fuel cycle facility;

22 “(4) a gaseous diffusion plant; and

23 “(5) any other facility licensed by the Commis-
24 sion, or used in the conduct of an activity licensed
25 by the Commission, that the Commission determines

1 should be treated as a sensitive nuclear facility
 2 under section 170C.”.

3 **SEC. 3. NUCLEAR SECURITY.**

4 (a) IN GENERAL.—Chapter 14 of the Atomic Energy
 5 Act of 1954 (42 U.S.C. 2201 et seq.) is amended by add-
 6 ing at the end the following:

7 **“SEC. 170C. PROTECTION OF SENSITIVE NUCLEAR FACILI-**
 8 **TIES AGAINST THE DESIGN BASIS THREAT.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) NUCLEAR SECURITY FORCE.—The term
 11 ‘nuclear security force’ means the nuclear security
 12 force established under subsection (b)(1).

13 “(2) FUND.—The term ‘Fund’ means the Nu-
 14 clear Security Fund established under subsection (f).

15 “(3) QUALIFICATION STANDARD.—The term
 16 ‘qualification standard’ means a qualification stand-
 17 ard established under subsection (e)(2)(A).

18 “(4) SECURITY PLAN.—The term ‘security plan’
 19 means a security plan developed under subsection
 20 (b)(2).

21 “(b) NUCLEAR SECURITY.—The Commission shall—

22 “(1) establish a nuclear security force, the
 23 members of which shall be employees of the Com-
 24 mission, to provide for the security of all sensitive
 25 nuclear facilities against the design basis threat; and

1 “(2) develop and implement a security plan for
 2 each sensitive nuclear facility to ensure the security
 3 of all sensitive nuclear facilities against the design
 4 basis threat.

5 “(c) DESIGN BASIS THREAT.—

6 “(1) IN GENERAL.—Not later than 90 days
 7 after the date of enactment of this section, and at
 8 least once every 3 years thereafter, the Commission,
 9 in consultation with the Assistant to the President
 10 for Homeland Security, the Attorney General, the
 11 Secretary of Defense, and other Federal, State, and
 12 local agencies, as appropriate, shall revise the design
 13 basis threat to include—

14 “(A) threats equivalent to—

15 “(i) the events of September 11,
 16 2001;

17 “(ii) a physical, cyber, biochemical, or
 18 other terrorist threat;

19 “(iii) an attack on a facility by mul-
 20 tiple coordinated teams of a large number
 21 of individuals;

22 “(iv) assistance in an attack from sev-
 23 eral persons employed at the facility;

24 “(v) a suicide attack;

1 ~~“(vi) a water-based or air-based~~
 2 ~~threat;~~

3 ~~“(vii) the use of explosive devices of~~
 4 ~~considerable size and other modern weap-~~
 5 ~~onry;~~

6 ~~“(viii) an attack by persons with a so-~~
 7 ~~phisticated knowledge of the operations of~~
 8 ~~a sensitive nuclear facility; and~~

9 ~~“(ix) fire, especially a fire of long du-~~
 10 ~~ration; and~~

11 ~~“(B) any other threat that the Commission~~
 12 ~~determines should be included as an element of~~
 13 ~~the design basis threat.~~

14 ~~“(2) REPORTS.—The Commission shall submit~~
 15 ~~to Congress a report on each revision made under~~
 16 ~~paragraph (1).~~

17 ~~“(d) SECURITY PLANS.—~~

18 ~~“(1) IN GENERAL.—Not later than 180 days~~
 19 ~~after the date of enactment of this section, the Com-~~
 20 ~~mission shall develop a security plan for each sen-~~
 21 ~~sitive nuclear facility to ensure the protection of~~
 22 ~~each sensitive nuclear facility against the design~~
 23 ~~basis threat.~~

24 ~~“(2) ELEMENTS OF THE PLAN.—A security~~
 25 ~~plan shall prescribe—~~

1 “(A) the deployment of the nuclear secu-
2 rity force, including—

3 “(i) numbers of the members of the
4 nuclear security force at each sensitive nu-
5 clear facility;

6 “(ii) tactics of the members of the nu-
7 clear security force at each sensitive nu-
8 clear facility; and

9 “(iii) capabilities of the members of
10 the nuclear security force at each sensitive
11 nuclear facility;

12 “(B) other protective measures, includ-
13 ing—

14 “(i) designs of critical control systems
15 at each sensitive nuclear facility;

16 “(ii) restricted personnel access to
17 each sensitive nuclear facility;

18 “(iii) perimeter site security, internal
19 site security, and fire protection barriers;

20 “(iv) increases in protection for spent
21 fuel storage areas;

22 “(v) placement of spent fuel in dry
23 cask storage; and

24 “(vi) background security checks for
25 employees and prospective employees; and

1 “(C) a schedule for completing the require-
2 ments of the security plan not later than 18
3 months after the date of enactment of this sec-
4 tion.

5 “(3) ADDITIONAL REQUIREMENTS.—A holder
6 of a license for a sensitive nuclear facility under sec-
7 tion 103 or 104 or the State or local government in
8 which a sensitive nuclear facility is located may peti-
9 tion the Commission for additional requirements in
10 the security plan for the sensitive nuclear facility.

11 “(4) IMPLEMENTATION OF SECURITY PLAN.—
12 Not later than 270 days after the date of enactment
13 of this section, the Commission, in consultation with
14 a holder of a license for a sensitive nuclear facility
15 under section 103 or 104, shall, by direct action of
16 the Commission or by order requiring action by the
17 licensee, implement the security plan for the sen-
18 sitive nuclear facility in accordance with the schedule
19 under paragraph (2)(C).

20 “(5) SUFFICIENCY OF SECURITY PLAN.—If at
21 any time the Commission determines that the imple-
22 mentation of the requirements of the security plan
23 for a sensitive nuclear facility is insufficient to en-
24 sure the security of the sensitive nuclear facility
25 against the design basis threat, the Commission

1 shall immediately submit to Congress and the Presi-
2 dent a classified report that—

3 “(A) identifies the vulnerability of the sen-
4 sitive nuclear facility; and

5 “(B) recommends actions by Federal,
6 State, or local agencies to eliminate the vulner-
7 ability.

8 “(c) NUCLEAR SECURITY FORCE.—

9 “(1) IN GENERAL.—Not later than 90 days
10 after the date of enactment of this section, the Com-
11 mission, in consultation with other Federal agencies,
12 as appropriate, shall establish a program for the hir-
13 ing and training of the nuclear security force.

14 “(2) HIRING.—

15 “(A) QUALIFICATION STANDARDS.—Not
16 later than 30 days after the date of enactment
17 of this section, the Commission shall establish
18 qualification standards that individuals shall be
19 required to meet to be hired by the Commission
20 as members of the nuclear security force.

21 “(B) EXAMINATION.—The Commission
22 shall develop and administer a nuclear security
23 force personnel examination for use in deter-
24 mining the qualification of individuals seeking

1 employment as members of the nuclear security
2 force.

3 “(C) CRIMINAL AND SECURITY BACK-
4 GROUND CHECKS.—The Commission shall re-
5 quire that an individual to be hired as a mem-
6 ber of the nuclear security force undergo a
7 criminal and security background check.

8 “(D) DISQUALIFICATION OF INDIVIDUALS
9 WHO PRESENT NATIONAL SECURITY RISKS.—
10 The Commission, in consultation with the heads
11 of other Federal agencies, as appropriate, shall
12 establish procedures, in addition to any back-
13 ground check conducted under subparagraph
14 (B), to ensure that no individual who presents
15 a threat to national security is employed as a
16 member of the nuclear security force.

17 “(3) ANNUAL PROFICIENCY REVIEW.—

18 “(A) IN GENERAL.—The Commission shall
19 provide that an annual evaluation of each mem-
20 ber of the nuclear security force is conducted
21 and documented.

22 “(B) REQUIREMENTS FOR CONTINU-
23 ATION.—An individual employed as a member
24 of the nuclear security force may not continue
25 to be employed in that capacity unless the eval-

1 uation under subparagraph (A) demonstrates
2 that the individual—

3 “(i) continues to meet all qualification
4 standards;

5 “(ii) has a satisfactory record of per-
6 formance and attention to duty; and

7 “(iii) has the knowledge and skills
8 necessary to vigilantly and effectively pro-
9 vide for the security of a sensitive nuclear
10 facility against the design basis threat.

11 “(4) TRAINING.—

12 “(A) IN GENERAL.—The Commission shall
13 provide for the training of each member of the
14 nuclear security force to ensure each member
15 has the knowledge and skills necessary to pro-
16 vide for the security of a sensitive nuclear facil-
17 ity against the design basis threat.

18 “(B) TRAINING PLAN.—Not later than 60
19 days after the date of enactment of this section,
20 the Commission shall develop a plan for the
21 training of members of the nuclear security
22 force.

23 “(C) USE OF OTHER AGENCIES.—The
24 Commission may enter into a memorandum of
25 understanding or other arrangement with any

1 other Federal agency with appropriate law en-
 2 forcement responsibilities; to provide personnel,
 3 resources; or other forms of assistance in the
 4 training of members of the nuclear security
 5 force.

6 ~~“(f) NUCLEAR SECURITY FUND.—~~

7 ~~“(1) ESTABLISHMENT.—~~There is established in
 8 the Treasury of the United States a fund to be
 9 known as the ‘Nuclear Security Fund’, which shall
 10 be used by the Commission to administer programs
 11 under this section to provide for the security of sen-
 12 sitive nuclear facilities.

13 ~~“(2) DEPOSITS IN THE FUND.—~~The Commis-
 14 sion shall deposit in the Fund—

15 ~~“(A) the amount of fees collected under~~
 16 ~~paragraph (5); and~~

17 ~~“(B) amounts appropriated under sub-~~
 18 ~~section (g).~~

19 ~~“(3) INVESTMENT OF AMOUNTS.—~~

20 ~~“(A) IN GENERAL.—~~The Secretary of the
 21 Treasury shall invest such portion of the Fund
 22 as is not, in the judgment of the Secretary of
 23 the Treasury, required to meet current with-
 24 drawals. Investments may be made only in in-
 25 terest-bearing obligations of the United States.

1 “(B) ACQUISITION OF OBLIGATIONS.—For
 2 the purpose of investments under subparagraph
 3 (A), obligations may be acquired—

4 “(i) on original issue at the issue
 5 price; or

6 “(ii) by purchase of outstanding obli-
 7 gations at the market price.

8 “(C) SALE OF OBLIGATIONS.—Any obliga-
 9 tion acquired by the Fund may be sold by the
 10 Secretary of the Treasury at the market price.

11 “(D) CREDITS TO FUND.—The interest on,
 12 and the proceeds from the sale or redemption
 13 of, any obligations held in the Fund shall be
 14 credited to and form a part of the Fund.

15 “(4) USE OF AMOUNTS IN THE FUND.—The
 16 Commission shall use amounts in the Fund to pay
 17 the costs of—

18 “(A) salaries, training, and other expenses
 19 of the nuclear security force; and

20 “(B) developing and implementing security
 21 plans.

22 “(5) FEE.—To ensure that adequate amounts
 23 are available to provide assistance under paragraph
 24 (4), the Commission shall assess licensees a fee in
 25 an amount determined by the Commission, not to

1 exceed 1 mill per kilowatt-hour of electricity gen-
 2 erated by a sensitive nuclear facility.

3 ~~“(g) AUTHORIZATION OF APPROPRIATIONS.—There~~
 4 are authorized to be appropriated such sums as are nec-
 5 essary to carry out this section.”.

6 ~~(b) IMPLEMENTATION.—The Commission shall com-~~
 7 plete the full implementation of the amendment made by
 8 subsection (a) as soon as practicable after the date of en-
 9 actment of this Act, but in no event later than 270 days
 10 after the date of enactment of this Act.

11 ~~(c) TECHNICAL AND CONFORMING AMENDMENT.—~~
 12 The table of contents for chapter 14 of the Atomic Energy
 13 Act of 1954 (42 U.S.C. prec. 2011) is amended by adding
 14 at the end the following:

“Sec. 170B. Uranium supply.

“Sec. 170C. Protection of sensitive nuclear facilities against the design basis
 threat.”.

15 **SEC. 4. OPERATION SAFEGUARDS AND RESPONSE UNIT.**

16 Section 204 of the Energy Reorganization Act of
 17 1974 (42 U.S.C. 5844) is amended by adding at the end
 18 the following:

19 ~~“(d) OPERATION SAFEGUARDS AND RESPONSE~~
 20 UNIT.—

21 ~~“(1) DEFINITIONS.—In this subsection:~~

22 ~~“(A) ASSISTANT DIRECTOR.—The term~~
 23 ‘Assistant Director’ means the Assistant Direc-
 24 tor for Operation Safeguards and Response.

1 “(B) DESIGN BASIS THREAT.—The term
2 ‘design basis threat’ has the meaning given the
3 term in section 11 of the Atomic Energy Act of
4 1954 (42 U.S.C. 2014).

5 “(C) SENSITIVE NUCLEAR FACILITY.—The
6 term ‘sensitive nuclear facility’ has the meaning
7 given the term in section 11 of the Atomic En-
8 ergy Act of 1954 (42 U.S.C. 2014).

9 “(D) UNIT.—The term ‘Unit’ means the
10 Operation Safeguards and Response Unit estab-
11 lished under paragraph (2)(A).

12 “(2) ESTABLISHMENT OF UNIT.—

13 “(A) IN GENERAL.—There is established
14 within the Office of Nuclear Material Safety
15 and Safeguards the Operation Safeguards and
16 Response Unit.

17 “(B) HEAD OF UNIT.—The Unit shall be
18 headed by the Assistant Director for Operation
19 Safeguards and Response.

20 “(C) DUTIES.—The Assistant Director
21 shall—

22 “(i) establish a program for the con-
23 duct of operation safeguards and response
24 evaluations under paragraph (3); and

1 “(ii) establish a program for the con-
 2 duct of emergency response exercises under
 3 paragraph (4).-

4 “(D) MOCK TERRORIST TEAM.—The per-
 5 sonnel of the Unit shall include a Mock Ter-
 6 rorist Team comprised of—

7 “(i) not fewer than 20 individuals
 8 with advanced knowledge of special weap-
 9 ons and tactics comparable to special oper-
 10 ations forces of the Armed Forces;

11 “(ii) at least 1 nuclear engineer;

12 “(iii) for each evaluation at a sensitive
 13 nuclear facility under paragraph (3), at
 14 least 1 individual with knowledge of the
 15 operations of the sensitive nuclear facility
 16 who is capable of actively disrupting the
 17 normal operations of the sensitive nuclear
 18 facility; and

19 “(iv) any other individual that the As-
 20 sistant Director determines should be a
 21 member of the Mock Terrorist Team.

22 “(3) OPERATION SAFEGUARDS AND RESPONSE
 23 EVALUATIONS.—

24 “(A) IN GENERAL.—Not later than 1 year
 25 after the date of enactment of this subsection;

1 the Assistant Director shall establish an oper-
2 ation safeguards and response evaluation pro-
3 gram to assess the ability of each sensitive nu-
4 clear facility to defend against the design basis
5 threat.

6 “(B) FREQUENCY OF EVALUATIONS.—Not
7 less often than once every 2 years, the Assistant
8 Director shall conduct and document operation
9 safeguards and response evaluations at each
10 sensitive nuclear facility to assess the ability of
11 the members of the nuclear security force at the
12 sensitive nuclear facility to defend against the
13 design basis threat.

14 “(C) ACTIVITIES.—The evaluation shall in-
15 clude 2 or more force-on-force exercises by the
16 Mock Terrorist Team against the sensitive nu-
17 clear facility that simulate air, water, and land
18 assaults (as appropriate).

19 “(D) CRITERIA.—The Assistant Director
20 shall establish criteria for judging the success
21 of the evaluations.

22 “(E) CORRECTIVE ACTION.—If a sensitive
23 nuclear facility fails to complete successfully an
24 operation safeguards and response evaluation,
25 the Commission shall require additional oper-

1 ation safeguards and response evaluations not
2 less often than once every 6 months until the
3 sensitive nuclear facility successfully completes
4 an operation safeguards and response evalua-
5 tion.

6 “(F) REPORTS.—Not less often than once
7 every year, the Commission shall submit to
8 Congress and the President a report that de-
9 scribes the results of each operation safeguards
10 and response evaluation under this paragraph
11 for the previous year.

12 “(4) EMERGENCY RESPONSE EXERCISES.—

13 “(A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this subsection,
15 the Assistant Director, in consultation with the
16 Assistant to the President for Homeland Secu-
17 rity, the Director of the Federal Emergency
18 Management Agency, the Attorney General, and
19 other Federal, State, and local agencies, as ap-
20 propriate, shall establish an emergency response
21 program to evaluate the ability of Federal,
22 State, and local emergency response personnel
23 within a 50-mile radius of a sensitive nuclear
24 facility to respond to a radiological emergency
25 at the sensitive nuclear facility.

1 “(B) FREQUENCY.—Not less often than
2 once every 3 years, the Assistant Director shall
3 conduct emergency response exercises to evalu-
4 ate the ability of Federal, State, and local
5 emergency response personnel within a 50-mile
6 radius of a sensitive nuclear facility to respond
7 to a radiological emergency at the sensitive nu-
8 clear facility.

9 “(C) ACTIVITIES.—The response exercises
10 shall evaluate—

11 “(i) the response capabilities, response
12 times, and coordination and communica-
13 tion capabilities of the response personnel;

14 “(ii) the effectiveness and adequacy of
15 emergency response plans, including evacu-
16 ation plans; and

17 “(iii) the ability of response personnel
18 to distribute potassium iodide or other pro-
19 phylactic medicines in an expeditious man-
20 ner.

21 “(D) REVISION OF EMERGENCY RESPONSE
22 PLANS.—The Commission shall revise the emer-
23 gency response plan for a sensitive nuclear fa-
24 cility to correct for any deficiencies identified by
25 an evaluation under this paragraph.

“(E) **REPORTS.**—Not less often than once every year, the Commission shall submit to Congress and the President a report that describes—

“(i) the results of each emergency response exercise under this paragraph conducted in the previous year; and

“(ii) each revision of an emergency response plan made under subparagraph (D) for the previous year.”.

SEC. 5. POTASSIUM IODIDE STOCKPILES.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by adding at the end the following:

“(a. Not later than 180 days after the date of enactment of this subsection, the Commission, in consultation with the Director of the Federal Emergency Management Agency, the Secretary of Health and Human Services, and other Federal, State, and local agencies, as appropriate, shall—

“(1) ensure that sufficient stockpiles of potassium iodide tablets have been established at public facilities (such as schools and hospitals) within at least a 50-mile radius of all sensitive nuclear facilities;

1 “(2) develop plans for the prompt distribution
 2 of the stockpiles described in paragraph (1) to all in-
 3 dividuals located within at least a 50-mile radius of
 4 a sensitive nuclear facility in the event of a release
 5 of radionuclides; and

6 “(3) submit to Congress a report—

7 “(A) certifying that stockpiles have been
 8 established as described in paragraph (1); and

9 “(B) including the plans described in para-
 10 graph (2).”.

11 **SEC. 6. DEFENSE OF FACILITIES.**

12 (a) **IN GENERAL.**—In a case in which a state of war
 13 or national emergency exists, the Commission shall—

14 (1) request the Governor of each State in which
 15 a sensitive nuclear facility is located to deploy the
 16 National Guard to each sensitive nuclear facility in
 17 that State; and

18 (2) request the President to—

19 (A) deploy the Coast Guard to sensitive
 20 nuclear facilities on the coastline of the United
 21 States; and

22 (B) restrict air space in the vicinity of sen-
 23 sitive nuclear facilities in the United States.

1 (b) ~~AUTHORIZATION OF APPROPRIATIONS.—There~~
 2 are authorized to be appropriated such sums as are nec-
 3 essary to carry out this section.

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Nuclear Security Act*
 6 *of 2002”.*

7 **SEC. 2. DEFINITIONS.**

8 *Section 11 of the Atomic Energy Act of 1954 (42*
 9 *U.S.C. 2014) is amended—*

10 (1) *by redesignating subsection jj. as subsection*
 11 *ii.; and*

12 (2) *by adding at the end the following:*

13 “(jj) *HOMELAND SECURITY OFFICER.—The term*
 14 *‘Homeland Security Officer’ means a Federal official with*
 15 *responsibility for coordinating efforts to maintain home-*
 16 *land security against acts of terrorism, and designated by*
 17 *the President to perform the duties of the Homeland Secu-*
 18 *rity Officer under this Act.*

19 “(kk) *PRIVATE SECURITY FORCE.—The term ‘private*
 20 *security force’, with respect to a sensitive nuclear facility,*
 21 *means personnel hired or contracted by the licensee of the*
 22 *sensitive nuclear facility to provide security at the sensitive*
 23 *nuclear facility.*

24 “(ll) *SENSITIVE NUCLEAR FACILITY.—*

1 “(1) *IN GENERAL.*—The term ‘sensitive nuclear
2 facility’ means a facility licensed by the Commission
3 (or the portion of a facility used in the conduct of an
4 activity licensed by the Commission).

5 “(2) *INCLUSIONS.*—The term ‘sensitive nuclear
6 facility’ includes—

7 “(A) an operating commercial nuclear
8 power plant;

9 “(B) an independent spent fuel storage fa-
10 cility;

11 “(C) a commercial nuclear power plant that
12 is being decommissioned or a portion of a com-
13 mercial nuclear power plant that contains mate-
14 rial licensed by the Commission;

15 “(D) a category I fuel cycle facility; and

16 “(E) a gaseous diffusion plant.”.

17 **SEC. 3. NUCLEAR FACILITY SECURITY.**

18 (a) *IN GENERAL.*—Chapter 14 of the Atomic Energy
19 Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding
20 at the end the following:

21 **“SEC. 170C. PROTECTION OF SENSITIVE NUCLEAR FACILI-**
22 **TIES.**

23 “(a) *DEFINITIONS.*—In this section:

1 “(1) *ANTITERRORISM TEAM.*—*The term*
 2 *‘antiterrorism team’ means the Nuclear Infrastructure*
 3 *Antiterrorism Team established under subsection (h).*

4 “(2) *FEDERAL SECURITY COORDINATOR.*—*The*
 5 *term ‘Federal security coordinator’ means the Federal*
 6 *security coordinator assigned to a sensitive nuclear*
 7 *facility under subsection (k).*

8 “(3) *TASK FORCE.*—*The term ‘task force’ means*
 9 *the task force on nuclear infrastructure security estab-*
 10 *lished by subsection (b).*

11 “(4) *THREAT.*—*The term ‘threat’ means a threat*
 12 *identified under subsection (c).*

13 “(5) *THREAT LEVEL.*—*The term ‘threat level’*
 14 *means a threat level determined under subsection (d).*

15 “(b) *TASK FORCE ON NUCLEAR INFRASTRUCTURE SE-*
 16 *CURITY.*—

17 “(1) *ESTABLISHMENT.*—*There is established a*
 18 *task force on nuclear infrastructure security.*

19 “(2) *MEMBERSHIP.*—*The task force shall be com-*
 20 *prised of—*

21 “(A) *the chairman of the Commission, who*
 22 *shall serve as chairperson of the task force;*

23 “(B) *the Secretary of Defense;*

24 “(C) *the Secretary of Transportation;*

1 “(D) *the Administrator of the Environ-*
2 *mental Protection Agency;*

3 “(E) *the Attorney General;*

4 “(F) *the Secretary of State;*

5 “(G) *the Director of the Central Intelligence*
6 *Agency;*

7 “(H) *the Secretary of Health and Human*
8 *Services;*

9 “(I) *the Director of the Federal Emergency*
10 *Management Agency; and*

11 “(J) *the Homeland Security Officer.*

12 “(3) *DUTIES.—*

13 “(A) *IN GENERAL.—The task force, in con-*
14 *sultation with other Federal, State, and local*
15 *agencies, stakeholders, and members of the pub-*
16 *lic, as appropriate, shall examine the protection*
17 *of sensitive nuclear facilities from potential ter-*
18 *rorist threats.*

19 “(B) *SECURITY REVIEW.—*

20 “(i) *IN GENERAL.—The task force shall*
21 *examine—*

22 “(I) *the classification of threats*
23 *as—*

24 “(aa) *an act—*

1 “(AA) by an enemy of
2 the United States (whether a
3 foreign government or other
4 person); or

5 “(BB) otherwise falling
6 under the responsibilities of
7 the Federal Government; or

8 “(bb) an act involving a type
9 of risk that the licensees of the
10 Commission should be responsible
11 for guarding against;

12 “(II) coordination of Federal,
13 State, and local security efforts for
14 protection of land, water, and ground
15 access to sensitive nuclear facilities in
16 the event of a terrorist attack or at-
17 tempted terrorist attack;

18 “(III) the adequacy of existing
19 emergency planning zones to protect
20 the public health and safety in the
21 event of a terrorist attack against a
22 sensitive nuclear facility;

23 “(IV) the adequacy and coordina-
24 tion of Federal, State, and local emer-
25 gency planning, evacuation, and other

1 *measures to protect the public health*
2 *and safety in the event of a terrorist*
3 *attack against a sensitive nuclear facil-*
4 *ity;*

5 “(V) *the threats that sensitive nu-*
6 *clear facilities must protect against to*
7 *prevent acts of radiological sabotage*
8 *and theft of special nuclear material;*

9 “(VI) *the system of threat levels,*
10 *consistent with the Homeland Security*
11 *Advisory System, used to categorize the*
12 *threats against a sensitive nuclear fa-*
13 *cility, including—*

14 “(aa) *procedures to ensure*
15 *coordinated Federal, State, and*
16 *local responses to changing threat*
17 *levels for sensitive nuclear facili-*
18 *ties;*

19 “(bb) *monitoring of threats*
20 *against sensitive nuclear facilities;*
21 *and*

22 “(cc) *procedures to notify li-*
23 *censees of a sensitive nuclear facil-*
24 *ity of changes in threat levels;*

1 “(VII) the development, imple-
2 mentation, and revision of security
3 plans for sensitive nuclear facilities;

4 “(VIII) the establishment of the
5 antiterrorism team under subsection
6 (h);

7 “(IX) the hiring and training
8 standards for members of private secu-
9 rity forces at sensitive nuclear facili-
10 ties, in accordance with subsection (i);

11 “(X) the coordination of Federal
12 resources to expedite and improve the
13 process of performing background
14 checks on employees with access to sen-
15 sitive nuclear facilities; and

16 “(XI) the creation of a program to
17 provide technical assistance and train-
18 ing for the national guard, State law
19 enforcement agencies, and local law en-
20 forcement agencies to respond, as ap-
21 propriate, to threats against a sensitive
22 nuclear facility, including rec-
23 ommendations for the establishment of
24 a grant program for State and local
25 governments to carry out any rec-

1 *ommended requirements under this sec-*
2 *tion.*

3 “(ii) *THREATS.—The threats to be ex-*
4 *amined include—*

5 “(I) *threats comparable to the*
6 *events of September 11, 2001;*

7 “(II) *cyber or biochemical threats;*

8 “(III) *attacks on a sensitive nu-*
9 *clear facility by multiple coordinated*
10 *teams of a large number of individuals;*

11 “(IV) *attacks from several persons*
12 *employed at the sensitive nuclear facil-*
13 *ity, some of whom may have sophisti-*
14 *cated knowledge of the operations of the*
15 *sensitive nuclear facility;*

16 “(V) *attacks from individuals*
17 *willing to commit suicide to carry out*
18 *the attacks;*

19 “(VI) *water-based and air-based*
20 *attacks;*

21 “(VII) *attacks using explosive de-*
22 *vices of considerable size and modern*
23 *weaponry;*

24 “(VIII) *fire, especially fire of long*
25 *duration; and*

1 “(IX) any combination of those
2 threats.

3 “(4) REPORT.—

4 “(A) IN GENERAL.—Not later than 120
5 days after the date of enactment of this section,
6 the task force shall submit to the President and
7 Congress, in classified form and unclassified
8 form, a report with recommendations and find-
9 ings.

10 “(B) REVISION.—The task force shall revise
11 the recommendations periodically, but not less
12 than once every 3 years.

13 “(c) THREATS TO SENSITIVE NUCLEAR FACILITIES.—

14 “(1) IN GENERAL.—Not later than 150 days
15 after the task force submits the report under sub-
16 section (b)(4), the Commission shall promulgate regu-
17 lations, based on and consistent with the findings and
18 recommendations of the task force, identifying the
19 threats that sensitive nuclear facilities must protect
20 against to prevent acts of radiological sabotage and
21 the theft of special nuclear material at sensitive nu-
22 clear facilities.

23 “(2) PROTECTION OF SAFEGUARDS INFORMA-
24 TION.—In promulgating regulations under this sub-
25 section, the Commission shall ensure protection of

1 *safeguards information in accordance with section*
 2 *147.*

3 “(d) *THREAT LEVELS.*—*Not later than 150 days after*
 4 *the task force submits the report under subsection (b)(4),*
 5 *the Commission shall promulgate regulations, based on and*
 6 *consistent with the findings and recommendations of the*
 7 *task force, establishing a system for the determination of*
 8 *multiple threat levels to describe the threat conditions at*
 9 *sensitive nuclear facilities.*

10 “(e) *SECURITY PLANS.*—

11 “(1) *IN GENERAL.*—*Not later than 1 year after*
 12 *the date on which the Commission establishes the*
 13 *threats under subsection (c), the Commission shall re-*
 14 *view, based on and consistent with the findings and*
 15 *recommendations of the task force, the security plan*
 16 *for each sensitive nuclear facility to ensure that each*
 17 *sensitive nuclear facility protects against those*
 18 *threats.*

19 “(2) *ASPECTS OF REVIEW.*—*The Commission*
 20 *shall ensure that the security plan provides for—*

21 “(A) *the deployment and capabilities of the*
 22 *private security force at the sensitive nuclear fa-*
 23 *cility for each threat level;*

24 “(B) *coordination between the private secu-*
 25 *rity force and the antiterrorism team for the sen-*

1 *sitive nuclear facility, as appropriate for each*
 2 *threat level;*

3 *“(C) secure operation of vital equipment,*
 4 *such as control room equipment and backup*
 5 *warning systems;*

6 *“(D) access restrictions;*

7 *“(E) security cameras, fire protection bar-*
 8 *riers, and other physical security measures;*

9 *“(F) protection of spent fuel, including op-*
 10 *tions such as placement of spent fuel in dry cask*
 11 *storage;*

12 *“(G) background security checks for employ-*
 13 *ees and prospective employees; and*

14 *“(H) coordination among licensees of sen-*
 15 *sitive nuclear facilities and appropriate Federal,*
 16 *state, and local emergency response personnel.*

17 *“(3) SCHEDULE.—The Commission shall estab-*
 18 *lish a priority schedule for conducting reviews of se-*
 19 *curity plans based on the vulnerability of each sen-*
 20 *sitive nuclear facility and the proximity of the sen-*
 21 *sitive nuclear facility to large population areas.*

22 *“(4) FINDINGS.—*

23 *“(A) IN GENERAL.—Not later than 30 days*
 24 *after the review of each security plan, the Com-*
 25 *mission shall submit to Congress and the licensee*

1 *of each sensitive nuclear facility recommenda-*
 2 *tions, findings, and a schedule for implementa-*
 3 *tion of changes to security that shall be made not*
 4 *later than 18 months after completion of the re-*
 5 *view of the security plan.*

6 *“(B) FORM.—The report submitted to Con-*
 7 *gress under subparagraph (A) shall be submitted*
 8 *in classified and unclassified form.*

9 *“(5) UPGRADES TO SECURITY PLAN.—Not later*
 10 *than 30 days after the review of each security plan,*
 11 *the Commission shall ensure that the licensee of each*
 12 *sensitive nuclear facility revises, as necessary, its se-*
 13 *curity plan consistent with the findings under para-*
 14 *graph (4).*

15 *“(6) UPGRADES TO SECURITY.—The Commission*
 16 *shall ensure that the licensee of each sensitive nuclear*
 17 *facility makes any changes to security required by the*
 18 *security plan according to the Commission schedule.*

19 *“(f) EMERGENCY RESPONSE PLANS.—*

20 *“(1) IN GENERAL.—Not later than 150 days*
 21 *after the task force submits the report under sub-*
 22 *section (b)(4), the Commission shall review, based on*
 23 *and consistent with the findings and recommenda-*
 24 *tions of the task force, the emergency response plans*
 25 *for each sensitive nuclear facility to ensure that each*

1 *emergency response plan provides protection for per-*
2 *sons living in the emergency response planning zones.*

3 “(2) *ASPECTS OF REVIEW.—The Commission*
4 *shall ensure that each emergency response plan pro-*
5 *vides for—*

6 “(A) *the protection of public health and*
7 *safety, including the ability to implement protec-*
8 *tive measures;*

9 “(B) *clear definition and assignment of re-*
10 *sponsibilities of emergency response personnel;*

11 “(C) *notification procedures;*

12 “(D) *communication and coordination*
13 *among emergency response personnel;*

14 “(E) *dissemination of information to the*
15 *public, including both pre-emergency education*
16 *and in the event of a radiological emergency;*

17 “(F) *adequate emergency facilities and*
18 *equipment at and around the sensitive nuclear*
19 *facility;*

20 “(G) *the use of methods, systems, and equip-*
21 *ment for assessing and monitoring actual or po-*
22 *tential impacts of a radiological emergency;*

23 “(H) *appropriate evacuation and sheltering*
24 *and the prophylactic use of potassium iodide;*

1 “(I) means for controlling radiological expo-
2 sures;

3 “(J) appropriate medical services;

4 “(K) plans for recovery and reentry; and

5 “(L) radiological emergency response train-
6 ing.

7 “(3) *SCHEDULE.*—The Commission shall estab-
8 lish a priority schedule for conducting reviews of
9 emergency response plans for sensitive nuclear facili-
10 ties based on the relative degrees of vulnerability of
11 sensitive nuclear facilities and the proximity of sen-
12 sitive nuclear facilities to large population areas.

13 “(4) *FINDINGS.*—

14 “(A) *IN GENERAL.*—Not later than 30 days
15 after the review of each emergency response plan,
16 the Commission shall submit to Congress and the
17 licensee of each sensitive nuclear facility rec-
18 ommendations and findings.

19 “(B) *FORM.*—The report submitted to Con-
20 gress under subparagraph (A) shall be submitted
21 in classified and unclassified form.

22 “(5) *UPGRADES TO EMERGENCY RESPONSE*
23 *PLAN.*—Not later than 30 days after completion of the
24 review of each emergency response plan, the Commis-
25 sion shall ensure that the licensee of each sensitive nu-

1 *clear facility revises, as necessary, the emergency re-*
 2 *sponse plan for the sensitive nuclear facility con-*
 3 *sistent with the findings under paragraph (4).*

4 “(g) *FEDERAL COORDINATION.*—*Not later than 90*
 5 *days after the task force submits the report under subsection*
 6 *(b)(4), the Commission shall promulgate regulations, based*
 7 *on and consistent with the findings and recommendations*
 8 *of the task force, establishing the circumstances under which*
 9 *the Commission shall request the President to—*

10 “(1) *deploy the Coast Guard to a sensitive nu-*
 11 *clear facility;*

12 “(2) *provide for the protection of air space in the*
 13 *vicinity of a sensitive nuclear facility; or*

14 “(3) *deploy the antiterrorism team.*

15 “(h) *NUCLEAR INFRASTRUCTURE ANTITERRORISM*
 16 *TEAM.*—

17 “(1) *ESTABLISHMENT.*—*Not later than 1 year*
 18 *after the task force submits the report under sub-*
 19 *section (b)(4), the President shall establish, based on*
 20 *and consistent with the findings and recommenda-*
 21 *tions of the task force, the Nuclear Infrastructure*
 22 *Antiterrorism Team.*

23 “(2) *PURPOSE.*—*The purpose of the*
 24 *antiterrorism team shall be to provide protection for*
 25 *the perimeter of sensitive nuclear facilities against the*

1 *threats identified under subsection (c), in coordina-*
 2 *tion with other Federal, State, local, and private enti-*
 3 *ties, as appropriate, consistent with the security plan*
 4 *for each sensitive nuclear facility.*

5 “(i) *TRAINING PROGRAM.*—

6 “(1) *IN GENERAL.*—Not later than 180 days
 7 *after the task force submits the report under sub-*
 8 *section (b)(4)(B), the President shall establish, based*
 9 *on and consistent with findings and recommendations*
 10 *of the task force, a program to provide technical as-*
 11 *sistance and training for the National Guard and*
 12 *State and local law enforcement agencies in respond-*
 13 *ing to threats against a sensitive nuclear facility.*

14 “(2) *GRANTS.*—The President may provide
 15 *grants, consistent with the findings and recommenda-*
 16 *tions of the task force, to State and local governments*
 17 *to assist in carrying out this section.*

18 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—
 19 *There are authorized to be appropriated such sums as*
 20 *are necessary to carry out this subsection.*

21 “(j) *EMPLOYEE SECURITY.*—

22 “(1) *REVIEW.*—Not later than 90 days after the
 23 *task force submits the report under subsection (b)(4),*
 24 *the Commission, taking into consideration*
 25 *recommendations of the task force, shall review and*

1 *update the hiring and training standards for employ-*
 2 *ees of a sensitive nuclear facility.*

3 *“(2) DISQUALIFICATION OF INDIVIDUALS THAT*
 4 *PRESENT NATIONAL SECURITY RISKS.—The Commis-*
 5 *sion, based on and consistent with the findings and*
 6 *recommendations of the task force, shall establish*
 7 *qualifications and procedures, in addition to any*
 8 *background check conducted under section 149, to en-*
 9 *sure that no individual that presents a threat to na-*
 10 *tional security is employed at a sensitive nuclear fa-*
 11 *cility.*

12 *“(k) FEDERAL SECURITY COORDINATORS.—*

13 *“(1) IN GENERAL.—Not later than 120 days*
 14 *after the task force submits the report under sub-*
 15 *section (b)(4), the Commission, based on and con-*
 16 *sistent with findings and recommendations of the task*
 17 *force, shall promulgate regulations for the hiring and*
 18 *training of Federal security coordinators.*

19 *“(2) ASSIGNMENT OF FEDERAL SECURITY COOR-*
 20 *DINATORS.—Not later than 60 days after the Commis-*
 21 *sion promulgates regulations under paragraph (1),*
 22 *the Commission shall assign a Federal security coor-*
 23 *dinator, under the employment of the Commission, at*
 24 *each sensitive nuclear facility.*

1 “(3) *RESPONSIBILITIES.*—*The Federal security*
2 *coordinator shall be responsible for—*

3 “(A) *communicating with the Commission*
4 *and other Federal, State, and local authorities*
5 *concerning threats, including threats against the*
6 *sensitive nuclear facility;*

7 “(B) *ensuring that the sensitive nuclear fa-*
8 *cility maintains security consistent with the se-*
9 *curity plan in accordance with the appropriate*
10 *threat level; and*

11 “(C) *ensuring full and active coordination*
12 *of security measures among—*

13 “(i) *the private security force at the*
14 *sensitive nuclear facility;*

15 “(ii) *the antiterrorism team; and*

16 “(iii) *other Federal, State, and local*
17 *authorities, as appropriate.*

18 “(l) *CLASSIFIED INFORMATION.*—*Nothing in this sec-*
19 *tion shall be construed to supersede any existing law*
20 *(including a regulation) governing the disclosure of classi-*
21 *fied information or safeguards information.”.*

22 **SEC. 4. FINGERPRINTING AND BACKGROUND CHECKS.**

23 (a) *IN GENERAL.*—*Section 149 of the Atomic Energy*
24 *Act of 1954 (42 U.S.C. 2133) is amended—*

1 (1) *by striking subsections a. and b. and insert-*
 2 *ing the following:*

3 “*a. FINGERPRINTING AND BACKGROUND CHECKS.—*

4 “(1) *IN GENERAL.—The Nuclear Regulatory*
 5 *Commission (referred to in this section as the*
 6 *‘Commission’) shall require the fingerprinting of each*
 7 *individual that is permitted—*

8 “(A) *unescorted access to a facility, activity,*
 9 *radioactive material, or property; or*

10 “(B) *access to safeguards information under*
 11 *section 147.*

12 “(2) *PERFORMANCE OF FINGERPRINTING.—The*
 13 *Commission shall require fingerprinting under para-*
 14 *graph (1) to be performed by—*

15 “(A) *a person that is licensed or certified by*
 16 *the Commission;*

17 “(B) *a person that is an applicant for a li-*
 18 *cense or certificate; and*

19 “(C) *a person that is otherwise permitted—*

20 “(i) *to operate a utilization facility*
 21 *under section 103 or 104b.; or*

22 “(ii) *to possess, use or transport—*

23 “(I) *radioactive material; or*

24 “(II) *other property regulated by*
 25 *the Commission and determined by the*

1 *Commission to be of significance to the*
 2 *public health and safety or the common*
 3 *defense and security.*

4 “(3) *REPETITION OF FINGERPRINTING.—*
 5 *Fingerprinting shall be repeated for each individual*
 6 *described in paragraph (1) at least once every 5*
 7 *years.*

8 “(4) *SUBMISSION OF FINGERPRINTS.—*

9 “(A) *IN GENERAL.—A licensee, certificate*
 10 *holder, or applicant shall submit to the Attorney*
 11 *General, through the Commission, all finger-*
 12 *prints obtained under paragraph (2)—*

13 “(i) *for identification and comparison*
 14 *against all categories of individuals whose*
 15 *fingerprints appear in—*

16 “(I) *the National Crime Informa-*
 17 *tion Center data sets;*

18 “(II) *the United States National*
 19 *Central Bureau of Interpol;*

20 “(III) *the National Instant*
 21 *Criminal Background Check system;*
 22 *and*

23 “(IV) *the Immigration and Natu-*
 24 *ralization Service data sets (including*

1 *the Student and Exchange Visitor In-*
 2 *formation System); and*

3 “(ii) *for use to conduct a criminal his-*
 4 *tory background check to determine past*
 5 *criminal history and any outstanding ar-*
 6 *rest warrants on record with the Federal*
 7 *Bureau of Investigation.*

8 “(B) *COST.—The cost of a background check*
 9 *conducted under this paragraph shall be paid by*
 10 *the licensee, certificate holder, or applicant.*

11 “(C) *PROVISION OF RESULTS.—*

12 “(i) *ATTORNEY GENERAL.—Notwith-*
 13 *standing any other provision of law, the At-*
 14 *torney General shall provide the pertinent*
 15 *results of the search to the Commission.*

16 “(ii) *THE COMMISSION.—In accord-*
 17 *ance with regulations promulgated under*
 18 *this section, the Commission may provide a*
 19 *licensee, certificate holder, or applicant sub-*
 20 *mitting the fingerprints the results of an*
 21 *identification and record check under this*
 22 *paragraph.*

23 “b. *RELIEF FROM OBLIGATIONS.—*

24 “(1) *IN GENERAL.—The Commission may, by*
 25 *regulation, relieve any person from the obligations*

1 *imposed by this section, under terms and conditions*
 2 *and for periods of time specified by the Commission,*
 3 *if the Commission determines that the provision of re-*
 4 *lief is consistent with the responsibilities of the Com-*
 5 *mission—*

6 *“(A) to promote the common defense and se-*
 7 *curity; and*

8 *“(B) to protect the health and safety of the*
 9 *public.*

10 *“(2) REQUIREMENTS OF ANOTHER AGENCY.—A*
 11 *person that is subject to the fingerprinting require-*
 12 *ments of another agency of the United States shall not*
 13 *be subject to the obligations imposed by this section,*
 14 *if the Commission determines that those*
 15 *fingerprinting requirements afford security protection*
 16 *similar to that resulting from the application of this*
 17 *section.”; and*

18 *(2) in subsection c.(2), by striking subparagraph*
 19 *(B) and inserting the following:*

20 *“(B) to ensure that the information is used*
 21 *solely for the purpose of determining whether an*
 22 *individual shall be permitted access to a facility*
 23 *or radioactive material or property of a licensee,*
 24 *certificate holder, or applicant, or shall be per-*

1 mitted access to safeguards information under
2 section 147;”.

3 (b) *ACCESS TO NUCLEAR FACILITIES.*—Chapter 12 of
4 the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.)
5 is amended by adding at the end the following:

6 **“SEC. 149A. BACKGROUND CHECKS FOR PERSONS WITH AC-**
7 **CESS TO NUCLEAR FACILITIES.**

8 “(a) *DEFINITIONS.*—In this section:

9 “(1) *APPLICANT.*—The term ‘applicant’ means a
10 person that has applied to the Commission for a li-
11 cense or a certificate of compliance.

12 “(2) *CERTIFICATE HOLDER.*—The term
13 ‘certificate holder’ means a person that has received
14 from the Commission a certificate of compliance with
15 standards established by the Commission.

16 “(3) *CHIEF LAW ENFORCEMENT OFFICER.*—The
17 term ‘chief law enforcement officer’ means a chief of
18 police, sheriff, or equivalent officer.

19 “(4) *COMMISSION.*—The term ‘Commission’
20 means the Nuclear Regulatory Commission.

21 “(5) *LICENSEE.*—The term ‘licensee’ means a
22 person that is—

23 “(A) licensed to operate a utilization facil-
24 ity under section 103 or 104b.; or

1 “(B) licensed to possess or use radioactive
 2 material or other property regulated by the Com-
 3 mission and determined by the Commission to be
 4 of significance to the public health and safety or
 5 the common defense and security.

6 “(b) *SUBMISSION OF INFORMATION.*—

7 “(1) *IN GENERAL.*—Not later than 60 days after
 8 the date of enactment of this section, the Commission
 9 shall require each person that is—

10 “(A) licensed or certified by the Commis-
 11 sion;

12 “(B) an applicant for a license or certifi-
 13 cate; and

14 “(C) otherwise permitted—

15 “(i) to operate a utilization facility
 16 under section 103 or 104b.; or

17 “(ii) to possess, use, or transport ra-
 18 dioactive material or other property regu-
 19 lated by the Commission that the Commis-
 20 sion determines to be of significance to the
 21 public health and safety or the common de-
 22 fense and security;

23 to submit to the Commission the statements described
 24 in subsections (c) and (d) with respect to each person
 25 described in paragraph (2).

1 “(2) *PERSONS WITH RESPECT TO WHOM INFOR-*
2 *MATION IS REQUIRED.—Information shall be sub-*
3 *mitted under paragraph (1) with respect to—*

4 “(A) *each current officer or employee of the*
5 *licensee, certificate holder, or applicant*
6 *(including an employee of a contractor of the li-*
7 *censee, certificate holder, or applicant); and*

8 “(B) *any other individual (except an em-*
9 *ployee of the Commission) that—*

10 “(i) *is proposed to have access to—*

11 “(I) *the facility;*

12 “(II) *radioactive material; or*

13 “(III) *other property regulated by*
14 *the Commission that the Commission*
15 *determines to be of significance to the*
16 *public health and safety or the common*
17 *defense and security;*

18 *within the 60-day period without being ac-*
19 *companied by an employee of the licensee,*
20 *certificate holder, or applicant for a license*
21 *or certificate that has been the subject of the*
22 *background check described in paragraph*
23 *(4); or*

1 “(ii) is proposed to be provided access
2 to safeguards information under section
3 147.

4 “(3) *PROVISION OF ACCESS.*—

5 “(A) *IN GENERAL.*—Not later than 60 days
6 after the date of enactment of this section, a li-
7 censee, certificate holder, or applicant for a li-
8 cense or certificate shall take such actions as are
9 necessary to ensure that—

10 “(i) no individual that is not accom-
11 panied by an employee of the licensee, cer-
12 tificate holder, or applicant for a license or
13 certificate that has been the subject of a
14 background check under section 149 and
15 section 170C is allowed access to—

16 “(I) any facility operated pursu-
17 ant to section 103 or 104b.;

18 “(II) radioactive material; or

19 “(III) other property regulated by
20 the Commission that the Commission
21 determines to be of significance to the
22 public health and safety or the common
23 defense and security; or

1 “(ii) no access to safeguards informa-
 2 tion is allowed to any individual under sec-
 3 tion 147, unless—

4 “(I) the individual has been the
 5 subject of a background check under
 6 section 149a. and section 170C; and

7 “(II) a response to the request for
 8 the background check has been received
 9 that the Commission determines to be
 10 satisfactory.

11 “(B) *EXCEPTION.*—The prohibition of ac-
 12 cess under subparagraph (A) does not apply to
 13 employees of the Commission.

14 “(4) *SUBMISSION TO THE ATTORNEY GEN-*
 15 *ERAL.*—The Commission shall submit the statements
 16 required by paragraph (2) to the Attorney General for
 17 the purpose of initiating a background check under—

18 “(A) the National Crime Information Cen-
 19 ter;

20 “(B) the United States National Central
 21 Bureau of Interpol;

22 “(C) the National Instant Criminal Back-
 23 ground Check system; and

24 “(D) the Immigration and Naturalization
 25 Service data sets.

1 “(5) *TIME REQUIREMENT.*—*Background checks*
 2 *and access authorization reviews required by this sec-*
 3 *tion shall be conducted at least once every 5 years for*
 4 *each individual for whom a background check is re-*
 5 *quired.*

6 “(c) *STATEMENT BY A LICENSEE, CERTIFICATE HOLD-*
 7 *ER, OR APPLICANT.*—*For each individual for whom a li-*
 8 *censee, certificate holder, or applicant is required to submit*
 9 *background check statements under subsection (b), the li-*
 10 *censee, certificate holder, or applicant shall submit to the*
 11 *Commission—*

12 “(1) *a statement that the licensee, certificate*
 13 *holder, or applicant has verified the identity of the*
 14 *individual by examining identification documents*
 15 *presented by the individual; and*

16 “(2) *a statement that the licensee, certificate*
 17 *holder, or applicant—*

18 “(A) *has furnished, to the chief law enforce-*
 19 *ment officer of the place of residence of the indi-*
 20 *vidual, the statement required by subsection (d);*
 21 *and*

22 “(B) *has not, within 7 calendar days after*
 23 *the statement has been furnished to the chief law*
 24 *enforcement officer, received a notice from the of-*
 25 *ficer that—*

1 “(i) the individual has been convicted
2 of a violation of Federal or State law; or

3 “(ii) has a record of exhibiting behav-
4 ior that would make the individual unsuit-
5 able for access to the facilities, material, or
6 safeguards information described in sub-
7 section (b).

8 “(d) STATEMENT BY AN INDIVIDUAL FOR WHOM AC-
9 CESS IS PROPOSED.—

10 “(1) IN GENERAL.—An individual for whom ac-
11 cess is proposed to the facilities, material, or safe-
12 guards information described in subsection (b) shall
13 submit to the licensee, certificate holder, or applicant,
14 a statement containing—

15 “(A) the name, address, and date of birth
16 appearing on a valid identification document
17 containing a photograph of the individual;

18 “(B) a description of the identification
19 used; and

20 “(C) a statement that the individual—

21 “(i) is not under indictment for, and
22 has not been convicted in any court, of a
23 crime punishable by imprisonment;

24 “(ii) is not a fugitive from justice;

1 “(iii) is not an unlawful user of or ad-
 2 dicted to any controlled substances (as de-
 3 fined in section 102 of the Controlled Sub-
 4 stances Act (21 U.S.C. 802));

5 “(iv) has not been committed to a men-
 6 tal institution;

7 “(v) is not an alien who is illegally or
 8 unlawfully in the United States;

9 “(vi) has not been discharged from the
 10 Armed Forces under dishonorable condi-
 11 tions; and

12 “(vii) has not renounced United States
 13 citizenship.

14 “(2) SIGNATURE REQUIREMENT.—The statement
 15 required under paragraph (1) shall be signed by the
 16 individual and shall contain the date on which the
 17 statement was signed.

18 “(e) ACTION BY THE ATTORNEY GENERAL.—

19 “(1) RIGHT TO INFORMATION.—Notwithstanding
 20 any other law and as necessary for a background
 21 check on an individual, the Attorney General may se-
 22 cure directly from any department or agency infor-
 23 mation on an individual proposed to be given access
 24 to a facility or material or safeguards information as
 25 described in subsection (b).

1 “(2) *RESPONSE TO A REQUEST FOR A BACK-*
 2 *GROUND CHECK.*—*A response to a request for a back-*
 3 *ground check under this Act shall be provided by the*
 4 *Attorney General to the Commission not later than 30*
 5 *days after the statements described by subsections (c)*
 6 *and (d) are submitted to the Attorney General.*

7 “(3) *PROVISION OF REASONS FOR DENIAL OF AC-*
 8 *CESS.*—

9 “(A) *IN GENERAL.*—*The Attorney General*
 10 *shall provide to any individual the reasons for a*
 11 *denial of access based on the background check of*
 12 *that individual only if—*

13 “(i) *the response to the background*
 14 *check is that the individual should not be*
 15 *given access to such a facility or material*
 16 *or safeguards information; and*

17 “(ii) *the individual requests the rea-*
 18 *sons for the determination.*

19 “(B) *PROCEDURE.*—*The Attorney General*
 20 *shall provide the individual the reasons under*
 21 *paragraph (A)—*

22 “(i) *in writing; and*

23 “(ii) *not later than 5 business days*
 24 *after the date of the request.*

1 “(f) *CRIMINAL PENALTY.*—A person that knowingly
 2 *falsifies a statement required by subsection (c) or (d), or*
 3 *knowingly fails to obtain a background check as required*
 4 *by subsection (b), shall be imprisoned not more than 5*
 5 *years, fined not more than \$50,000, or both.*”.

6 **SEC. 5. OFFICE OF NUCLEAR SECURITY AND INCIDENT RE-**
 7 **SPONSE.**

8 (a) *IN GENERAL.*—Title II of the Energy Reorganiza-
 9 *tion Act of 1974 (42 U.S.C. 5841 et seq.) is amended by*
 10 *adding at the end the following:*

11 **“SEC. 212. OFFICE OF NUCLEAR SECURITY AND INCIDENT**
 12 **RESPONSE.**

13 “(a) *DEFINITIONS.*—In this section:

14 “(1) *ANTITERRORISM TEAM.*—The term
 15 ‘*antiterrorism team*’ has the meaning given the term
 16 in section 170C(a) of the Atomic Energy Act of 1954.

17 “(2) *ASSISTANT DIRECTOR.*—The term ‘Assistant
 18 Director’ means the Assistant Director for Security
 19 Response.

20 “(3) *DIRECTOR.*—The term ‘Director’ means the
 21 Director of Nuclear Security and Incident Response
 22 appointed under subsection (c).

23 “(4) *MOCK TERRORIST TEAM.*—The term ‘mock
 24 terrorist team’ means the mock terrorist team de-
 25 scribed in subsection (d)(3).

1 “(5) *OFFICE*.—The term ‘Office’ means the Office
2 of Nuclear Security and Incident Response established
3 by subsection (b).

4 “(6) *SENSITIVE NUCLEAR FACILITY*.—The term
5 ‘sensitive nuclear facility’ has the meaning given the
6 term in section 11 of the Atomic Energy Act of 1954
7 (42 U.S.C. 2014).

8 “(7) *THREAT*.—The term ‘threat’ has the mean-
9 ing given the term in section 170C(a) of the Atomic
10 Energy Act of 1954.

11 “(8) *UNIT*.—The term ‘Unit’ means the Security
12 Response Unit established under subsection (d)(1).

13 “(b) *ESTABLISHMENT OF OFFICE*.—There is estab-
14 lished in the Commission the Office of Nuclear Security and
15 Incident Response.

16 “(c) *DIRECTOR*.—

17 “(1) *APPOINTMENT*.—The Commission may ap-
18 point and terminate a Director of Nuclear Security
19 and Incident Response to head the Office.

20 “(2) *DUTIES*.—The Director shall perform any
21 duties delegated by the Commission to the Director,
22 including—

23 “(A) carrying out security, safeguards, and
24 incident responses relating to—

1 “(i) any facility owned or operated by
2 a Commission licensee or certificate holder;

3 “(ii) any property owned or in the
4 possession of a Commission licensee or cer-
5 tificate holder that—

6 “(I) is significant to the common
7 defense and security; or

8 “(II) is being transported to or
9 from a facility described in clause (i);
10 and

11 “(iii) performing any other activity of
12 a Commission licensee or certificate holder
13 that is significant to the common defense
14 and security;

15 “(B) for a facility or material licensed or
16 certified under the Atomic Energy Act of 1954
17 (42 U.S.C. 2011 et seq.)—

18 “(i) developing contingency plans for
19 dealing with threats, thefts, and sabotage;
20 and

21 “(ii) monitoring, reviewing, and evalu-
22 ating security and safeguards;

23 “(C) recommending upgrades to internal
24 accounting systems for special nuclear and other

1 *materials licensed or certified under the Atomic*
 2 *Energy Act of 1954 (42 U.S.C. 2011 et seq.);*

3 “(D) *developing and recommending stand-*
 4 *ards and amendments to the standards of the*
 5 *Commission relating to the duties described in*
 6 *subparagraphs (A) through (C); and*

7 “(E) *carrying out any other safeguards and*
 8 *physical security functions that the Commission*
 9 *determines to be appropriate.*

10 “(3) *CONSULTATION.—In carrying out the duties*
 11 *under paragraph (2), the Director shall, to the max-*
 12 *imum extent practicable, consult and coordinate*
 13 *with—*

14 “(A) *other officers of the Commission; and*

15 “(B) *other Federal agencies.*

16 “(d) *SECURITY RESPONSE UNIT.—*

17 “(1) *ESTABLISHMENT.—There is established in*
 18 *the Office the Security Response Unit.*

19 “(2) *HEAD OF UNIT.—The Unit shall be headed*
 20 *by an Assistant Director for Security Response.*

21 “(3) *MOCK TERRORIST TEAM.—The personnel of*
 22 *the Unit shall include a mock terrorist team com-*
 23 *prised of—*

24 “(A) *a number of individuals, consistent*
 25 *with the threat, who have advanced knowledge of*

1 *special weapons and tactics comparable to spe-*
 2 *cial operations forces of the Armed Forces;*

3 “(B) *nuclear engineers, as appropriate;*

4 “(C) *individuals with knowledge of the op-*
 5 *erations of the sensitive nuclear facility who are*
 6 *capable of actively disrupting the normal oper-*
 7 *ations of the sensitive nuclear facility; and*

8 “(D) *any other individual that the Commis-*
 9 *sion determines should be a member of the mock*
 10 *terrorist team.*

11 “(4) *SECURITY RESPONSE EVALUATIONS.—*

12 “(A) *IN GENERAL.—Not later than 1 year*
 13 *after the date of enactment of this section, the*
 14 *Commission shall establish a security response*
 15 *evaluation program to assess the ability of each*
 16 *sensitive nuclear facility to defend against the*
 17 *threats in accordance with the security plan for*
 18 *the sensitive nuclear facility.*

19 “(B) *FREQUENCY OF EVALUATIONS.—Not*
 20 *less than once every 3 years, the Commission*
 21 *shall conduct and document security response*
 22 *evaluations at each sensitive nuclear facility to*
 23 *assess the ability of the private security force, in*
 24 *cooperation with the antiterrorism team, at the*

1 *sensitive nuclear facility to defend against the*
 2 *threat.*

3 “(C) *SECURITY EXEMPTION.*—*The Commis-*
 4 *sion may suspend activities under this section if*
 5 *the Commission determines that the security re-*
 6 *sponse evaluations would compromise security at*
 7 *any sensitive nuclear facility in accordance with*
 8 *a heightened threat level.*

9 “(D) *ACTIVITIES.*—*The security response*
 10 *evaluation shall include force-on-force exercises*
 11 *by the mock terrorist team against the sensitive*
 12 *nuclear facility that simulate air, water, and*
 13 *land assaults, as appropriate.*

14 “(E) *PERFORMANCE CRITERIA.*—*The Com-*
 15 *mission shall establish performance criteria for*
 16 *judging the security response evaluations.*

17 “(F) *CORRECTIVE ACTION.*—

18 “(i) *IN GENERAL.*—*When any of the*
 19 *performance criteria established under sub-*
 20 *paragraph (E) are not satisfied—*

21 “(I) *the licensee shall promptly*
 22 *correct any defects in performance*
 23 *identified by the Commission in the se-*
 24 *curity response evaluation; and*

1 “(II) the Commission shall con-
2 duct an additional security response
3 evaluation within 6 months to confirm
4 that the licensee satisfies the perform-
5 ance criteria established under sub-
6 paragraph (E).

7 “(ii) 2 CONSECUTIVE FAILURES TO
8 SATISFY ALL PERFORMANCE CRITERIA.—

9 “(I) IN GENERAL.—If a sensitive
10 nuclear facility fails to satisfy all of
11 the performance criteria established
12 under subparagraph (E) in 2 consecu-
13 tive security response evaluations, the
14 Commission shall issue an order speci-
15 fying the corrective actions that must
16 be taken by the licensee of the sensitive
17 nuclear facility.

18 “(II) FAILURE TO TAKE CORREC-
19 TIVE ACTION.—If the licensee of a sen-
20 sitive nuclear facility does not take the
21 corrective action specified by the Com-
22 mission within 30 days after the date
23 of issuance of an order under subclause
24 (I), the Commission shall assess a civil
25 penalty under section 234.

1 “(G) *REPORTS*.—Not less often than once
 2 every year, the Commission shall submit to Con-
 3 gress and the President a report, in classified
 4 form and unclassified form, that describes the re-
 5 sults of each security response evaluation under
 6 this paragraph for the previous year.

7 “(e) *EMERGENCY RESPONSE EXERCISES*.—

8 “(1) *IN GENERAL*.—Not less than once every 2
 9 years, the Commission, in coordination with the Di-
 10 rector of the Federal Emergency Management Agency,
 11 shall conduct emergency response exercises to evaluate
 12 the ability of Federal, State, and local emergency re-
 13 sponse personnel to respond to a radiological emer-
 14 gency at the sensitive nuclear facility in accordance
 15 with the emergency response plans.

16 “(2) *ACTIVITIES*.—The emergency response exer-
 17 cises shall evaluate—

18 “(A) the response capabilities, response
 19 times, and coordination and communication ca-
 20 pabilities of the response personnel;

21 “(B) the effectiveness and adequacy of emer-
 22 gency response and evacuation plans; and

23 “(C) the availability of potassium iodide or
 24 other prophylactic medicines.

1 “(3) *REVISION OF EMERGENCY RESPONSE*
 2 *PLANS.*—*The Commission shall ensure that the emer-*
 3 *gency response plan for a sensitive nuclear facility is*
 4 *revised to correct for any deficiencies identified by an*
 5 *evaluation under this subsection.*

6 “(4) *REPORTS.*—*Not less than once every year,*
 7 *the Commission shall submit to the President and*
 8 *Congress a report, in classified form and unclassified*
 9 *form, that describes—*

10 “(A) *the results of each emergency response*
 11 *exercise under this subsection conducted in the*
 12 *previous year; and*

13 “(B) *each revision of an emergency response*
 14 *plan made under paragraph (3) for the previous*
 15 *year.*

16 “(f) *EFFECT.*—*Nothing in this section limits any au-*
 17 *thority of the Department of Energy relating to the safe*
 18 *operation of facilities under the jurisdiction of the Depart-*
 19 *ment.”.*

20 (b) *CONFORMING AMENDMENTS.*—*Title II of the En-*
 21 *ergy Reorganization Act of 1974 is amended—*

22 (1) *in section 203(b) (42 U.S.C. 5843(b))—*

23 (A) *in paragraph (1), by striking “licensing*
 24 *and regulation involving” and inserting*
 25 *“licensing, regulation, and, except as otherwise*

1 *provided under section 212, carrying out safety*
 2 *reviews, safeguards, and physical security of” ;*
 3 *and*

4 *(B) in paragraph (2), by striking “and*
 5 *safeguards”; and*

6 *(2) in section 204(b) (42 U.S.C. 5844(b))—*

7 *(A) in paragraph (1)—*

8 *(i) by striking “including” and insert-*
 9 *ing “not including”; and*

10 *(ii) by striking “and materials.” and*
 11 *inserting “and materials, to the extent that*
 12 *the safeguards and security functions are*
 13 *delegated to the Office of Nuclear Security*
 14 *and Incident Response under section 212.”;*
 15 *and*

16 *(B) in paragraph (2)—*

17 *(i) by striking “and safeguards”; and*

18 *(ii) by striking “, as amended,” and*
 19 *all that follows through the period and in-*
 20 *serting “(42 U.S.C. 2011 et seq.)”.*

21 **SEC. 6. CARRYING OF WEAPONS BY LICENSEE EMPLOYEES.**

22 *Chapter 14 of title I of the Atomic Energy Act of 1954*
 23 *(42 U.S.C. 2201 et seq.) (as amended by section 3(a)) is*
 24 *amended—*

1 (1) in section 161, by striking subsection k. and
2 inserting the following:

3 “k. authorize—

4 “(1) to carry a firearm in the performance of of-
5 ficial duties such of its members, officers, and employ-
6 ees, such of the employees of its contractors and sub-
7 contractors (at any tier) engaged in the protection of
8 property under the jurisdiction of the United States
9 located at facilities owned by or contracted to the
10 United States or being transported to or from such fa-
11 cilities, and such of the employees of persons licensed
12 or certified by the Commission (including employees
13 of contractors of licensees or certificate holders) en-
14 gaged in the protection of facilities owned or operated
15 by a Commission licensee or certificate holder that
16 are designated by the Commission or in the protection
17 of property of significance to the common defense and
18 security located at facilities owned or operated by a
19 Commission licensee or certificate holder or being
20 transported to or from such facilities, as the Commis-
21 sion considers necessary, in view of site-specific condi-
22 tions, in the interest of the common defense and secu-
23 rity; and

24 “(2) to carry and use any other weapons, de-
25 vices, or ammunition in the performance of officials

1 *duties, any employees of persons licensed or certified*
 2 *by the Commission (including employees of contrac-*
 3 *tors of licensees or certificate holders) who are trained*
 4 *and qualified as guards and whose duty is the protec-*
 5 *tion of facilities or property described in paragraph*
 6 *(1), regardless of whether the employees are Federal,*
 7 *State, or local law enforcement officers;” and*
 8 *(2) by adding at the end the following:*

9 **“SEC. 170D. CARRYING OF WEAPONS.**

10 “(a) *AUTHORITY TO MAKE ARREST.—*

11 “(1) *IN GENERAL.—A person authorized under*
 12 *section 161k. to carry a firearm, other weapon, de-*
 13 *vice, or ammunition may, while in the performance*
 14 *of, and in connection with, official duties, detain or*
 15 *arrest an individual without a warrant for any of-*
 16 *fense against the United States committed in the*
 17 *presence of the person or for any felony under the*
 18 *laws of the United States if the person has a reason-*
 19 *able ground to believe that the individual has com-*
 20 *mitted or is committing such a felony.*

21 “(2) *LIMITATION.—An employee of a contractor*
 22 *or subcontractor or of a Commission licensee or cer-*
 23 *tificate holder (or a contractor of a licensee or certifi-*
 24 *cate holder) authorized to make an arrest under para-*
 25 *graph (1) may make an arrest only after the Commis-*

1 *sion, licensee, or certificate holder has applied for and*
2 *been granted authorization from the Commission—*

3 *“(A) when the individual is within, or is in*
4 *flight directly from, the area in which the offense*
5 *was committed; and*

6 *“(B) in the enforcement of—*

7 *“(i) a law regarding the property of*
8 *the United States in the custody of the De-*
9 *partment of Energy, the Commission, or a*
10 *contractor of the Department of Energy or*
11 *Commission or a licensee or certificate hold-*
12 *er of the Commission;*

13 *“(ii) a law applicable to facilities*
14 *owned or operated by a Commission licensee*
15 *or certificate holder that are designated by*
16 *the Commission under section 161k.;*

17 *“(iii) a law applicable to property of*
18 *significance to the common defense and se-*
19 *curity that is in the custody of a licensee or*
20 *certificate holder or a contractor of a li-*
21 *cencee or certificate holder of the Commis-*
22 *sion; or*

23 *“(iv) any provision of this Act that*
24 *subjects an offender to a fine, imprison-*
25 *ment, or both.*

1 “(3) *OTHER AUTHORITY.*—*The arrest authority*
 2 *conferred by this section is in addition to any arrest*
 3 *authority under other law.*

4 “(4) *GUIDELINES*—

5 “(A) *IN GENERAL.*—*The Secretary and the*
 6 *Commission, with the approval of the Attorney*
 7 *General, shall issue guidelines to implement sec-*
 8 *tion 161k. and this subsection.*

9 “(B) *EFFECTIVE DATE.*—*The authority to*
 10 *carry and use weapons, devices, or ammunition*
 11 *provided to employees described in section*
 12 *161k.(2) and the authority provided to those em-*
 13 *ployees under this subsection shall not be effec-*
 14 *tive until the date on which guidelines issued*
 15 *under subparagraph (A) become effective.”.*

16 **SEC. 7. SENSITIVE RADIOACTIVE MATERIAL SECURITY.**

17 (a) *AMENDMENT.*—*Chapter 14 of the Atomic Energy*
 18 *Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section*
 19 *6) is amended by adding at the end the following:*

20 **“SEC. 170E. SENSITIVE RADIOACTIVE MATERIAL SECURITY.**

21 “(a) *DEFINITIONS.*—*In this section:*

22 “(1) *SENSITIVE RADIOACTIVE MATERIAL.*—

23 “(A) *IN GENERAL.*—*The term ‘sensitive ra-*
 24 *dioactive material’ means—*

25 “(i) *a material—*

1 “(I) that is a source material, by-
 2 product material, or special nuclear
 3 material; and

4 “(II) that is any other radioactive
 5 material (regardless of whether the ma-
 6 terial is or has been licensed or other-
 7 wise regulated under this Act) pro-
 8 duced or made radioactive before or
 9 after the date of enactment of this sec-
 10 tion; and

11 “(ii) that is in such a form or quantity
 12 or concentration that the Commission deter-
 13 mines, based on and consistent with the rec-
 14 ommendations of the task force, should be
 15 classified as ‘sensitive radioactive material’
 16 that warrants improved security and pro-
 17 tection against loss, theft, or sabotage.

18 “(B) *EXCLUSION*.—The term ‘sensitive ra-
 19 dioactive material’ does not include nuclear fuel
 20 or spent nuclear fuel.

21 “(2) *SECURITY THREAT*.—The term ‘security
 22 threat’ means—

23 “(A) a threat of sabotage or theft of sen-
 24 sitive radioactive material;

1 “(B) a threat of use of sensitive radioactive
2 material in a radiological dispersal device; and

3 “(C) any other threat of terrorist or other
4 criminal activity involving sensitive radioactive
5 material that could harm the health or safety of
6 the public due primarily to radiological prop-
7 erties of the sensitive radioactive material, as de-
8 termined by the Commission based on and con-
9 sistent with the recommendations of the task
10 force.

11 “(3) TASK FORCE.—The term ‘task force’ has the
12 meaning given the term in section 170C(a).

13 “(b) DUTIES.—

14 “(1) IN GENERAL.—The task force shall—

15 “(A) evaluate the security of sensitive radio-
16 active material against security threats; and

17 “(B) recommend administrative and legisla-
18 tive actions to be taken to provide the maximum
19 practicable degree of security against security
20 threats.

21 “(2) CONSIDERATIONS.—In carrying out para-
22 graph (1), the task force shall make recommendations
23 to—

1 “(A) determine the radioactive materials
2 that should be classified as sensitive radioactive
3 materials;

4 “(B) develop a classification system for sen-
5 sitive radioactive materials that—

6 “(i) is based on the potential for use by
7 terrorists of sensitive radioactive material
8 and the extent of the threat to public health
9 and safety posed by that potential; and

10 “(ii) takes into account—

11 “(I) radioactivity levels of sen-
12 sitive radioactive material;

13 “(II) the dispersibility of sensitive
14 radioactive material;

15 “(III) the chemical and material
16 form of sensitive radioactive material;
17 and

18 “(IV) other appropriate factors;

19 “(C) develop a national system for recovery
20 of sensitive radioactive material that is lost or
21 stolen, taking into account the classification sys-
22 tem established under subparagraph (B);

23 “(D) provide for the storage of sensitive ra-
24 dioactive material that is not currently in use in
25 a safe and secure manner;

1 “(E) develop a national tracking system for
2 sensitive radioactive material, taking into ac-
3 count the classification system established under
4 subparagraph (B);

5 “(F) develop methods to ensure the return
6 or proper disposal of sensitive radioactive mate-
7 rial;

8 “(G) modify current export controls on sen-
9 sitive radioactive materials so that, to the extent
10 feasible, exports from the United States of sen-
11 sitive radioactive materials are made only to for-
12 eign recipients that are willing and able to con-
13 trol the sensitive radioactive materials in the
14 same manner as recipients in the United States;
15 and

16 “(H) establish procedures to improve the se-
17 curity of sensitive radioactive material in use,
18 transportation, and storage.

19 “(3) *PROCEDURES TO IMPROVE SECURITY.*—The
20 procedures to improve the security of sensitive radio-
21 active material under paragraph (2)(H) may in-
22 clude—

23 “(A) periodic audits or inspections by the
24 Commission to ensure that sensitive radioactive

1 *material is properly secured and can be fully ac-*
2 *counted for;*

3 “(B) *evaluation by the Commission of secu-*
4 *urity measures taken by persons that possess sen-*
5 *sitive radioactive material;*

6 “(C) *imposition of increased fines for viola-*
7 *tions of regulations relating to security and safe-*
8 *ty measures applicable to licensees that possess*
9 *sensitive radioactive material;*

10 “(D) *conduct of background checks on indi-*
11 *viduals with access to sensitive radioactive mate-*
12 *rial;*

13 “(E) *measures to ensure the physical secu-*
14 *rity of facilities in which sensitive radioactive*
15 *material is stored; and*

16 “(F) *screening of shipments of sensitive ra-*
17 *dioactive material to facilities that are particu-*
18 *larly at risk for sabotage to ensure that the ship-*
19 *ments do not contain explosives.*

20 “(c) *REPORT.—Not later than 90 days after the date*
21 *of enactment of this section, and not less frequently than*
22 *once every 3 years thereafter, the task force shall submit*
23 *to the President and Congress a report in unclassified form*
24 *(with a classified annex, if necessary) describing the admin-*

1 *istrative and legislative actions recommended under sub-*
 2 *section (b)(1).*

3 “(d) *ADMINISTRATIVE ACTION.*—*Not later than 60*
 4 *days after the date of submission of the report under sub-*
 5 *section (b), the Commission shall, based on and consistent*
 6 *with the recommendations of the task force, take such ac-*
 7 *tions as are appropriate to—*

8 “(1) *revise the system for licensing sensitive ra-*
 9 *dioactive materials based on and consistent with the*
 10 *recommendations of the task force; and*

11 “(2) *ensure that States that have entered into an*
 12 *agreement under section 274b. establish compatible*
 13 *programs in a timely manner.”.*

14 **SEC. 8. UNAUTHORIZED INTRODUCTION OF DANGEROUS**
 15 **WEAPONS.**

16 *Section 229a. of the Atomic Energy Act of 1954 (42*
 17 *U.S.C. 2278a(a)) is amended in the first sentence by insert-*
 18 *ing “or subject to the licensing authority of the Commission*
 19 *or to certification by the Commission under this Act or any*
 20 *other Act” before the period at the end.*

21 **SEC. 9. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.**

22 *Section 236a. of the Atomic Energy Act of 1954 (42*
 23 *U.S.C. 2284(a)) is amended—*

1 (1) *in the first sentence, by striking “or who in-*
 2 *tentionally and willfully attempts” and inserting “or*
 3 *who attempts or conspires”;*

4 (2) *in paragraph (2), by striking “storage facil-*
 5 *ity” and inserting “storage, treatment, or disposal fa-*
 6 *cility”;*

7 (3) *in paragraph (3)—*

8 (A) *by striking “such a utilization facility”*
 9 *and inserting “a utilization facility licensed*
 10 *under this Act”;* and

11 (B) *by striking “or” at the end;*

12 (4) *in paragraph (4)—*

13 (A) *by striking “facility licensed” and in-*
 14 *serting “or nuclear fuel fabrication facility li-*
 15 *censed or certified”;* and

16 (B) *by striking the period at the end and*
 17 *inserting “; or”;* and

18 (5) *by inserting after paragraph (4) the fol-*
 19 *lowing:*

20 “(5) *any production, utilization, waste storage,*
 21 *waste treatment, waste disposal, uranium enrichment,*
 22 *or nuclear fuel fabrication facility subject to licensing*
 23 *or certification under this Act during construction of*
 24 *the facility, if the destruction or damage caused or at-*
 25 *tempted to be caused could adversely affect public*

1 *health and safety during the operation of the facil-*
 2 *ity;”.*

3 **SEC. 10. EVALUATION OF ADEQUACY OF ENFORCEMENT**
 4 **PROVISIONS.**

5 *Not later than 90 days after the date of enactment of*
 6 *this Act, the Attorney General and the Nuclear Regulatory*
 7 *Commission shall submit to Congress a report that assesses*
 8 *the adequacy of the criminal enforcement provisions in*
 9 *chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C.*
 10 *221 et seq.).*

11 **SEC. 11. PROTECTION OF WHISTLEBLOWERS.**

12 *Section 211(a)(2) of the Energy Reorganization Act*
 13 *(42 U.S.C. 5851) is amended—*

14 *(1) in subparagraph (C), by striking “and” at*
 15 *the end;*

16 *(2) in subparagraph (D), by striking the period*
 17 *at the end and inserting “; and”; and*

18 *(3) by adding at the end the following:*

19 *“(E) a contractor or subcontractor of the*
 20 *Commission.”.*

21 **SEC. 12. TECHNICAL AND CONFORMING AMENDMENT.**

22 *The table of contents of the Atomic Energy Act of 1954*
 23 *(42 U.S.C. prec. 2011) is amended—*

24 *(1) by inserting after the item relating to section*
 25 *149 the following:*

“Sec. 149A. Access to nuclear facilities.”;

1 *and*
 2 *(2) by adding at the end of the item relating to*
 3 *chapter 14 the following:*

“Sec. 170B. Uranium supply.

“Sec. 170C. Protection of sensitive nuclear facilities.

“Sec. 170D. Carrying of weapons.

“Sec. 170E. Sensitive Radioactive Material Security.”.

4 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

5 *There are authorized to be appropriated such sums as*
 6 *are necessary to carry out this Act.*

Calendar No. 747

107TH CONGRESS
2^D SESSION

S. 1746

[Report No. 107-335]

A BILL

To amend the Atomic Energy Act of 1954 and the
Energy Reorganization Act of 1974 to strengthen
security at sensitive nuclear facilities.

NOVEMBER 12, 2002

Reported with an amendment